



Department of Energy

Idaho Operations Office
850 Energy Drive
Idaho Falls, Idaho 83401-1563

October 1, 2001

Mr. Stephen Allred, Director
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706

SUBJECT: Response to Idaho Department of Environmental Quality Letter Concerning the
SFE-20 Tank Closure Plan (EM-ER-01-156)

Dear Mr. Allred:

This letter is in response to the Idaho Department of Environmental Quality (IDEQ) letter, dated August 3, 2001, concerning the SFE-20 Hot Waste Tank System Closure Plan. In the referenced letter, the following two issues were raised: 1) whether adequate information has been provided in the SFE-20 Tank System Closure Plan, 2) whether scheduled milestones have been missed for SFE-20 remediation, and 3) Operable Unit (OU) 3-13 Record of Decision (ROD) required actions have been unilaterally abandoned or curtailed by United States Department of Energy (DOE). Each of these issues is addressed below.

1) The HWMA/RCRA Closure Plan for the VES-SFE-20 Hot Waste Tank System at the Idaho Nuclear Technology and Engineering Center (DOE/ID-10864) submitted to IDEQ meets the closure plan requirements. The plan was submitted to IDEQ on April 11, 2001 in accordance with the March 19, 2001 Memorandum of Agreement (MOA) between the Idaho Department of Environmental Quality (IDEQ) and DOE. As specified in the SFE-20 Tank Closure Plan and the MOA, alternative HWMA/RCRA closure requirements are met through implementation of the OU 3-13 ROD, an enforceable document.

The Federal Facility Agreement and Consent Order (FFA/CO) describes the types of documents, and review schedules for the documents that DOE is to provide to IDEQ and the United States Environmental Protection Agency (EPA). Since the MOA states that the FFA/CO processes will be followed, review of the SFE-20 Tank Closure Plan is subject to the review schedules in the FFA/CO for the appropriate type of document. Tank Closure Plans are not listed in section 8.5 of the FFA/CO as a primary documents, or in section 8.7 as secondary documents. As it is not specifically listed for a particular type of document, the SFE-20 Tank Closure Plan is an "Other Document" and is treated as a secondary document under the FFA/CO, subject to a 30-calendar day review of the draft document (FFA/CO section 8.13).

DOE received comments on the SFE-20 Tank Closure Plan from IDEQ in a letter dated June 12, 2001. The IDEQ comments were addressed in the DOE response letter *"Closure Plan for VES-SFE-20 Hot Waste Tank Pursuant to Memorandum of Agreement between DEQ and DOE, March 19, 2001 – DEQ Letter of June 12, 2001 (EM-ER-01-114) (dated July 24, 2001)."* This satisfies the requirements for comment resolution of a secondary document under the FFA/CO (section 8.4). Based on the FFA/CO process, the Draft Remedial Design/Remedial Action Work

Plan (RD/RA WP) for the SFE-20 Remediation will be the next FFA/CO primary document prepared. This was previously stated in the DOE letter "*Response to Idaho Department of Environmental Quality Letter Concerning the Schedule for the SFE-20 Remediation (EM-ER-01-061) (dated April 6, 2001)*". In addition, the information contained in the SFE-20 Tank Closure Plan will be included in the RD/RA WP for the SFE-20 remediation. As we agreed through the MOA, should DEQ determine that changes to the ROD are necessary to address the remediation of SFE-20, such modifications should be proposed in accordance with Subpart VIII.J, of the FFA/CO, "Subsequent Modifications of Final Primary Documents."

2) No milestones associated with the SFE-20 Hot Waste Tank System at the Idaho Nuclear Technology and Engineering Center have been missed. In your letter (dated August 3, 2001), it was stated milestones for remediation of this tank have been missed that were contained in the Record of Decision have not been met. There are no milestones associated with the SFE-20 remediation presented in the Final Record of Decision for the Idaho Nuclear Technology and Engineering Center Operable Unit 3-13 at the Idaho National Engineering and Environmental Laboratory (DOE/ID-10660, dated October 1999). In the OU 3-13 ROD, the scope and general approach for the SFE-20 remediation were presented as being removal, treatment, and disposal.

However, an Operable Unit 3-13 Remedial Design/Remedial Action Scope of Work (OU 3-13 RD/RA SOW) (DOE/ID-10721, dated February 2000) was developed and finalized with concurrence from IDEQ and EPA. In the OU 3-13 RD/RA SOW, the scope and approach for SFE-20 remediation were further defined. In the OU 3-13 ROD and OU 3-13 RD/RA SOW, the approach was to treat the tank liquids in the Idaho Nuclear Technology and Engineering Center (INTEC) Process Equipment Waste Evaporator (PEWE). The OU 3-13 RD/RA SOW also presented the schedule for implementation of the SFE-20 remediation. In Table 5-1 of the OU 3-13 RD/RA SOW (summary of primary and secondary deliverables and enforceable milestones), the following documents are identified as deliverables under the remedial design process: 1) Characterization Work Plan [secondary document], 2) Characterization/Treatability Study Report [secondary document], 3) Title I (30%) Remedial Design [secondary document], and 4) Title II (90%) Remedial Design/Remedial Action Work Plan [primary document]. In accordance with the FFA/CO, only primary documents have enforceable milestones, while secondary documents have target dates. The secondary target dates are intended to show that progress is being made leading up to the development of a primary document. Just because a secondary document is not developed and submitted by the target date does not automatically mean that the milestone for the primary document is missed. The enforceable milestone (February 26, 2003) for the primary document (SFE-20 Remedial Design/Remedial Action Work Plan) that is presented in Table 5-1 of the OU 3-13 RD/RA SOW will be met.

3) DOE did not unilaterally abandon or curtail OU 3-13 ROD required actions. In the OU 3-13 ROD, the remedial action for the SFE-20 Hot Waste Tank System is removal, treatment, and disposal. According to the OU 3-13 ROD, the liquids were to be treated in the INTEC PEWE provided the liquid waste met the PEWE waste criteria. During implementation of the OU 3-13 ROD in accordance with the OU 3-13 RD/RA SOW, the Characterization Work Plan for the VES-SFE-20 Hot Waste Tank at INTEC (DOE/ID-10747, dated August 2000), a secondary document under the FFA/CO, was developed. In this document, the sampling approach was defined based on sampling the liquids for treatment through the INTEC PEWE. In subsequent preparation for the characterization activities, the sampling requirements for waste entering the

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PEWE were discussed with the PEWE operating personnel. In an effort to be more cost effective and efficient based on the PEWE sampling requirements, a reduced analyte list was developed and submitted for discussion with the IDEQ and EPA personnel working on the SFE-20 project. This reduced analyte list met the existing PEWE characterization requirements for treating waste in the PEWE according to the facilities waste acceptance criteria. In a letter received from IDEQ dated November 9, 2000, IDEQ made it clear that additional requirements (above and beyond the normal INTEC PEWE operating requirements) must be met for use of the INTEC PEWE for treatment of the liquids in the SFE-20 tank. Also, as treatment of the liquids in the PEWE was the selected treatment method identified in the OU 3-13 ROD, IDEQ made it clear that IDEQ had not concurred with the INTEC PEWE being an acceptable treatment for the SFE-20 tank liquids.

To satisfy the IDEQ requirements, the sampling activities were suspended and a revised approach to conducting the SFE-20 remediation was developed and presented in a DOE letter *"Response to Idaho Department of Environmental Quality Letter Concerning the Schedule for the SFE-20 Remediation (EM-ER-01-061) (dated April 6, 2001)."* The revised approach is consistent with the OU 3-13 ROD in that the remedial action will still be removal, treatment, and disposal. Rather than separating the liquids from the solids and treating them separately, the revised approach will stabilize the liquids and solids together into a waste form for later disposal. This results in a less complex design and implementation strategy. Also, the characterization of the tank contents prior to design is no longer necessary in order to develop the design. Therefore, neither the Characterization/Treatability Study Report, nor the Title I (30%) Remedial Design are needed to implement the SFE-20 remedial action as specified in the OU 3-13 ROD.

In summary, the previously submitted closure plan fulfills the requirements of both the MOA and the FFA/CO, and no enforceable milestones for the remedial action have been missed to date. Hopefully, this letter has clarified the misunderstanding for the SFE-20 remediation expressed in your letter. I look forward to your call to resolve this issue as expressed in your August 3, 2001 letter. If this letter answers your questions sufficiently and a call is not necessary, please advise me in a letter. I can be reached at (208) 526-1148. If you have other questions or require further information on this matter, please call Kathleen Hain at (208) 526-4392 or by FAX at (208) 526-0598, and via e-mail at hainke@id.doe.gov.

Sincerely,



Jerry Lyle, Assistant Manager
Environmental Management

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